



# City of Hamilton

223 South Second Street  
Hamilton, MT 59840

*Has someone  
want to go?*

RECEIVED

JAN 18 2008

January 11, 2008

Ravalli County Commissioners

--	--	--	--	--

File #: 2008-1003  
Subject: Annexation of Wholly Surrounded Areas

On January 8, 2008, the City Council of the City of Hamilton adopted six (6) Resolutions of Intention to Annex land into the City of Hamilton that is wholly surrounded by the City. You are being notified directly because you own property or are a registered voter in one of the areas to be annexed. A copy of the Resolution of Intent and the Plan for Provision of Services for your property is enclosed.

A Public Hearing regarding the annexations will be held by the City Council at 7:00 pm on February 5, 2008. Written comments received before February 1, 2008 will be distributed to the City Council prior to the Public Hearing. You are welcome to present oral or written comments at the meeting. A copy of the Notice of Public Hearings is enclosed.

For information regarding the annexations, please contact Trish Harrison, Office of Community Development Office Manager, at 406-363-2131.

Sincerely,

*Rose M. Allen*

Rose M. Allen  
City Clerk

cc: File

**NOTICE OF PUBLIC HEARINGS  
BEFORE THE HAMILTON CITY COUNCIL**

NOTICE IS HEREBY GIVEN that on January 8, 2008, the City Council of the City of Hamilton adopted six (6) Resolutions of Intention to Annex into the City of Hamilton land wholly surrounded by said city. The areas to be annex are commonly known as: 801, 803 and 805 S. 4th Street; 727 S. 5th Street; 217 and 223 Fairgrounds Road; 241 and 239 Fairgrounds Road; 246 Fairgrounds Road; and 1220, 1203, 1201, 1115, 1113, 1109, 1105, 1101, 1019, 1116, 1114, 1112, 1108, 1106, 1104, 1100 and 1010 W. Main Street and 1107 A, 1107 B, 1109 A, 1109 B, 1111 A and 1111 B Westwood Drive. A complete copy of the Resolutions of Intention are on file with the City Clerk and more specifically describe the property to be annexed and include a Plan for Provision of Services.

On Tuesday, February 5, 2008 at 7:00 pm in the City Council Chambers, 223 S. 2nd Street, Hamilton, Montana, the City Council will conduct a public hearing and consider a Resolution of Annexation and an Ordinance approving the Zoning District for each of the six above referenced properties.

Written comments regarding the proposed annexations may be mailed or delivered to the City Clerk at 223 S. 2nd Street, Hamilton, Montana. Written comments received before February 1, 2008 will be distributed to the City Council prior to the Public Hearing. Any member of the public may present oral or written comments at the Public Hearing. All comments must reference the specific property and any concerns regarding the proposed annexation.

For further information regarding the annexations, please contact Trish Harrison, Office of Community Development Office Manager, at 406-363-2131.

**RESOLUTION NO. 1061**

**A RESOLUTION OF INTENT OF THE HAMILTON CITY COUNCIL TO ANNEX INTO THE CITY OF HAMILTON LAND WHOLLY SURROUNDED BY SAID CITY AND COMMONLY KNOWN AS: 246 FAIRGROUNDS ROAD, HAMILTON, MONTANA, AND REFERRED TO AS AREA 13**

WHEREAS, the following described land is wholly surrounded by property that is located within the boundaries of the City of Hamilton. The land is commonly known as 246 Fairgrounds Road, Hamilton, Montana, more particularly described in Exhibit "A" attached hereto, incorporated herein by reference, and specifically made a part hereof; and,

WHEREAS, no part of said area is included within the boundary of another incorporated municipality; and,

WHEREAS, MCA §7-2-4501 through 4511, and other statutes referenced therein give the City of Hamilton the authority to annex land wholly surrounded by property within the boundaries of the City of Hamilton and to do so without a vote of the community or of the residents of the land to be annexed and without protest; and,

WHEREAS, the Hamilton City Council has determined that the annexation of the wholly- surrounded land described above is in the best interest of the City of Hamilton.

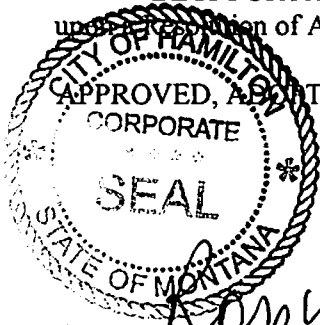
NOW, THEREFORE, BE IT RESOLVED by the Hamilton City Council that the Council intends to extend the boundaries for the City of Hamilton to include the following wholly-surrounded land commonly known as 246 Fairgrounds Road, Hamilton, Montana, more particularly described in Exhibit "A" attached hereto.

BE IT FURTHER RESOLVED that a Plan for the Provision of Services has been prepared for this wholly-surrounded land and is attached hereto as Exhibit "B", and the City Council has determined that public services in accordance with said Plan may be provided to said land without having a detrimental effect upon the City of Hamilton.

BE IT FURTHER RESOLVED that the City Council has reviewed the adjacent land uses to the annexation area and finds that the PI, Public Institutional District zone is in keeping with the land use patterns for the area.

BE IT FURTHER RESOLVED, that the Hamilton City Council shall hold a public hearing and a vote upon the Resolution of Annexation for this wholly-surrounded land on the 5th day of February 2008.

APPROVED, ADOPTED AND EXECUTED EFFECTIVE THE 8TH DAY OF JANUARY 2008.



Attest:

*Rose M Allen*  
ROSE M. ALLEN, City Clerk

By:

*Jessica Randazzo*  
JESSICA RANDAZZO, Mayor

### **Exhibit "A"**

246 Fairgrounds Road. Ravalli County. A parcel of land located in and being a portion of the SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 19, Township 6 North, Range 20 West, P.M.M., Ravalli County, Montana, and being more particularly described as Tract B, Certificate of Survey No. 4560.

## **Exhibit "B"**

### **PLAN FOR PROVISION OF SERVICES**

**Subject: AREA 13**

**Location: Fairgrounds Road Hamilton, Montana 59840**

**Annexation # 27-08, Zone # 27-10**

The City of Hamilton has initiated annexation of the above named property. The property is legally described as follows:

Legal description: See Exhibit "A".

The City of Hamilton under Title 7, Chapter 2, Part 45 of the Montana Codes Annotated – Annexation of Wholly Surrounded Land. Under this method of annexation, the City must provide a long-range plan for provision of services and for properties outside the corporate limits. The plan shows anticipated development on a yearly basis, a minimum of five years into the future.

### **PROVISION OF SERVICES**

**Subject:** Ravalli County Search and Rescue

**Annexation #27-08**

**Zone #27-10**

This area consists of one platted lot.

The lot contains the Ravalli County Search and Rescue building.

A single water and sewer stub for connection of the building was completed with the Fairgrounds Road water and sewer main line construction completed in 2000.

#### **Zoning:**

Annexation will require zoning of the land in conjunction with annexation and consideration of existing uses.

This parcel currently is an 8,700 square foot parcel with one building located on it. The current use is Public Institution. The current land use is consistent with this recommendation. The annexation of this property conforms to the City of Hamilton's Growth Policy.

#### **Surrounding Zoning (land uses)**

North:	PI, Public Institutional (Ravalli County Fairgrounds)
South:	PUD, (Heritage Place)
East:	PI, Public Institutional (Animal Shelter)
West:	PI, Public Institutional (Ravalli County Fairgrounds)

#### **Police Protection**

The City police protection can be provided without any increase in manpower. The City police currently patrol this area due to annexed areas on the all sides of the subject properties.

#### **Fire Protection**

The City Volunteer Fire Department, through an inter-local agreement with the County, already provides the property with fire protection. This annexation would not add any additional coverage for the fire department

other than the shift of jurisdiction from rural to City of Hamilton. As a result, the *Fire Department* will be unaffected by this proposal. Annexed property will pay taxes for City fire versus rural fire taxes.

### **Garbage Collection**

Bitterroot Disposal, a private company, will collect garbage. They have indicated that they have sufficient capacity to provide services.

### **Streets and Street Maintenance – Requirements**

Public Access is provided to this property via Fairgrounds Road.

Fairgrounds Road is semi improved with a 24' wide asphalt section and gravel shoulders. NO curb, gutters, sidewalks, storm drains and full asphalt improvements are installed at this time for the section of Fairgrounds Road adjacent to the subject properties. Suggestion: Create a Special Improvement District.

### **Sewer Service – Requirements**

The lot currently has been provided with a single sewer stub.

The property owner will be required to pay sewer impact fees and costs of physically connecting to the sewer stub. The property owner shall be required to pay all fees and charges at the time of installation and connection of service line. Property owners must connect into City services within five years of annexation. Alternatively property owners may enter into a binding agreement that commits the properties to be connected to the sewer within a specified time period acceptable to the City of Hamilton.

Treatment capacity limitations at the wastewater treatment plant must be addressed to provide sewer treatment for this area. There are no other issues for provision of services.

### **Water Service – Requirements**

The lot currently has been provided to with a single water stub.

The property owner will be required to pay water impact fees and costs of physically connecting to the water stub. The property owner shall be required to pay all fees and charges at time of installation and connection of service line. Property owners must connect into City services within five years of annexation. Alternatively property owners may enter into a binding agreement that commits the properties to be connected to the water within a specified time period acceptable to the City of Hamilton.

### **Permits, Bonding and Insurance Requirements**

Permit applications may be obtained at the Permit Office, 202 S. 3<sup>rd</sup> Street.

### **Utility Services**

Gas and electrical services will be provided by Northwestern Energy. Telephone services will be provided by Qwest Communication. Cable TV service will be provided by Bresnan Cable TV

### **Financing the Development**

The property owners are responsible for paying all costs for the future improvements. This would include all water service connections & service lines, all sanitary sewer service connections & service lines, natural gas, electrical, telephone, cable T.V., storm drains, curb, gutter, sidewalk, street and any other improvements required by the City. The City's General Fund will pay for police and fire protection. The cost paid by the City will be paid out of the operating budget of the affected departments. The Sanitary Sewer Enterprise funds will pay for sanitary sewer utility operation and maintenance of the sanitary sewer systems generated from associated connection utility fees including base rates and usage fees. Fire protection is currently provided. Police protection should be a very minimal cost. Garbage is done privately and will be paid for by the property owners.

**Tax Burdens**

The entire municipality shall share the tax burden for these services and the annexed area shall not require a bond issue under the provision of § 7-2-32.